

REMARKS

In the office action dated October 17, 2007, the examiner objected to the specification regarding typographical errors in paragraphs 0029, 0045 and 0062, objected to claims 22 and 23 for typographical errors, rejected claims 1—10, 14—20, 22—27, 29—31 and 35 under 35 USC 102(e) as anticipated by Thomas USPN 7,134,130, and rejected claims 11—13, 21, 28 and 32—34 under 35 USC 103 as unpatentable over Thomas in view of Hancock USPN 6,701,523.

Applicant has amended the specification and certain claims to overcome the examiner's objections and amended certain claims to further clarify the claimed invention. In view of the foregoing amendments and subsequent remarks, Applicants request reconsideration and withdrawal of the examiner's rejections.

As the examiner indicates, Thomas fails to disclose the time range specifications and their use combined with content based specification to monitor or control the viewing of programs on a television or other device where the system is configured to check viewing profiles of viewers viewing the television and identify content-based specifications of the viewers that correspond to a current time and comparing the time sensitive content-based specifications to the program content indicator. A careful review of Hancock reveals that Hancock does not provide a teaching to fill the deficiency of Thomas identified by the examiner. As Figures 2, 3, 6—12, 14, 15, 17, 18, 20, 21, and 23—25 make clear, Hancock allows the control or monitoring of viewing based on ratings, i.e., "By Ratings", or time, i.e., "By Time", and does not teach or suggest the combination of the two forms of viewing control within the system identifies a time range specification for which a reference time falls within and a content-based specification associated with the identified time range specification, and then compares the time sensitive content based

specification with the program content indicator. Moreover, the portions of Hancock cited by the examiner make no reference to control or monitoring based on ratings combined with time.

More particularly, Thomas and Hancock, whether individually or in combination, fail to teach or suggest:

... a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications;

a second logic unit ... configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles

as claimed in amended claim 1;

selecting...the viewer specification including one or more content-based specifications associated with one or more time range specifications;

comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator

as claimed in amended claim 15; and

... a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include time range specifications and different content-based specifications corresponding to each of the time range specifications;

a logic unit ... configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles

as claimed in amended claim 22.

In view of the foregoing, Applicants respectfully submit that Thomas and Hancock do not

meet or suggest all of the limitations of claims 1, 15 and 22 and, thus, cannot anticipate nor establish a *prima facie* case of obviousness. Accordingly, claims 1, 15 and 22, and claims 2—14, 16—21, and 23-35 by virtue of their dependence upon 1, 15 and 22, meet the requirements for patentability under 35 USC 102 and 103.

CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: April 17, 2008

By: /Kenneth S Roberts/
Kenneth S. Roberts
Reg. No. 38,358

4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710